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ABSTRACT

This CRitical Issue Bibliography (CRIB) Sheet cites resources that give an overview of Title IX legislation and offer information about compliance, litigation, and related issues. Title IX of the Education Amendments of 1972 protects individuals from gender-based discrimination in education programs or activities that receive federal financial assistance. The annotated bibliography describes 26 resources, all of which are in the ERIC database. (SLD)

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Critical Issue Bibliography (CRIB) Sheet:

Title IX of the Educational Amendments of 1972

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This CRIB sheet was updated in December 2001.

Critical Issue Bibliography (CRIB) Sheet:
Title IX of the Educational Amendments of 1972

Title IX of the Education Amendments of 1972 protects individuals from gender based discrimination in education programs or activities which receive federal financial assistance. The resources cited below give an overview of Title IX legislation and offer information about compliance, litigation, and related issues.

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Overview

ED446029
Acosta, R. Vivian, & Carpenter, Linda Jean. (2000). *Women in intercollegiate sport: A longitudinal study—Twenty-three year update, 1977-2000.*
This report presents data from a longitudinal study of women in intercollegiate sports. It highlights participation opportunities for female athletes and the status of women as head coaches, assistant coaches, administrators, sports information directors, and athletic trainers.

ED435281
Karpinski, S.H., & Earle M. V. (Eds.). (1999). *NCAA guide for the college-bound student-athlete*. Overland Park, KS: National Collegiate Athletic Association.
This booklet helps guide college-bound athletes to select a college.

EJ568088
Martin, M. (1998, April-June). The use of alcohol among NCAA Division I female college basketball, softball, and volleyball athletes. *Journal of Athletic Training, 33,* 2, 163-67.
This investigation covers alcohol usage among NCAA Division I female college athletes, noting their exposure to alcohol- or drug-education programs. Interviews and mailed surveys indicated that most students received some type of alcohol education during college, but it had very little impact on their alcohol use.

ED423613
(1998). *Title IX and sex discrimination. Revised.* Washington, DC: Office for Civil Rights (ED).
Title IX of the Education Amendments of 1972 protects people from discrimination based on gender in education programs or activities that receive federal financial assistance. This brochure outlines the responsibilities of education programs and activities covered by Title IX, the responsibilities of the Office for Civil Rights (OCR) in enforcing Title IX, and the procedures for filing a discrimination complaint with OCR. It also contains contact information for filing complaints and obtaining additional information.

ED423926
Van Den Hende, M. (1998). *The community college and Title IX.* Pullman, WA: Washington State University.
Since its inception in 1972, Title IX has changed how the American higher education system functions at all levels. Colleges and universities continue to struggle to comply with Title IX's unspecified standards for accommodating the interests and needs of students. Due to community college administration structures and funding sources typically being tied to local taxes, minimum tuition fees, and state federal agency politics, efforts to comply with Title IX have been addressed with trepidation. Politically "hot" problems include teacher cutbacks, inadequate facilities and equipment, too many students, and lack of community and administrative support as institutions unable to comply with the unspecified Title IX standards are making decisions out of fear of lawsuits rather than out of practical concerns. This paper re-examines Title IX in an attempt to establish limits and objectives more clearly, as well as to define its purpose.

ED407912
(1996). *Achieving gender equity: A basic guide to Title IX and gender equity in athletics for colleges and universities.* Overland Park, KS: National Collegiate Athletic Association.
This guide is designed to help college athletics administrators and faculty ensure that their program is in compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination in educational programs, including college athletics, that receive or benefit from federal funding. It provides an overview of Title IX, the role of the U.S. Department of Education's Office of Civil Rights in enforcing the law, and examples of ways to comply with the law. It also reviews relevant case laws, focusing on how courts (through published opinions) and individual plaintiffs and institutions (through settlements) have interpreted the laws. The guide goes on to summarize the National Collegiate Athletic Association (NCAA) Division I athletics certification program, and presents ideas on how to promote women's athletics on campus. It provides basic information on emerging sports as a way to increase participation opportunities for female student-athletes. A listing of resource organizations, publications, and references is also included.

Compliance and Litigation

EJ626697
Pieronek, Catherine. (2000). Title IX and Intercollegiate Athletics in the Federal Appellate Courts: Myth vs. Reality. *Journal of College and University Law, 27*, 2, 447-518.
Focuses on the enforcement of the nondiscrimination provisions of Title IX in higher education, and shows how the courts have wrestled with the application of Title IX to college athletic programs over the past decade.

ED412828
Kramer, B. (1993). *Title IX in intercollegiate athletics: Litigation risks facing colleges and universities*. AGB Public Policy [Paper] Series, No. 93-2. Washington, DC.: Association of Governing Boards of Universities and Colleges.
This report suggests several steps to reduce litigation risk in regards to Title IX. Some of the suggestions include: (1) making a careful Title IX assessment before eliminating any women's intercollegiate teams; (2) giving adequate notice of any changes and taking steps to mitigate the impact of the change; (3) making sure that institutional personnel are well acquainted with Title IX standards; and (4) reviewing existing procedures for evaluating and acting on new program requests.

EJ529596
Lazerson, M.,& Wagener, U. (1996, July-August). Missed opportunities: Lessons from Title IX case at Brown. *Change, 28*, 4, 46-52.
The Brown University case study illustrates how college and universities can view Title IX not as a threat, but as means for providing opportunities to advance women student athletes, debate the meaning of equal opportunity, encourage presidents and boards to greater oversight of athletics budgets, and recast athletics as an educational responsibility.

EJ516487
Justus, J., & Brake, D. (1995, Summer). Title IX. *Journal of College and University Law, 22*, 1, 48-62.
Perspectives on Title IX of the 1972 Education Amendments concerning gender equity in college sports include those of a National College Athletic Association (NCAA) administrator and a women's law attorney. The first perspective looks at the law's provisions, NCAA's role, and the related challenges facing institutions. The second perspective focuses on continuing gender discrimination in college sports and specific legal issues.

EJ543090
Haworth, K. (1997, April). Colleges, sporting groups, and lawmakers back Brown U.'s appeal in Title IX case. *Chronicle of Higher Education, 43*, 30, A35-36.
Higher education associations representing hundreds of colleges and universities have filed briefs asking the Supreme Court to reverse an appeals court ruling that Brown University (Rhode Island) discriminated against female athletes in cutting support for their gymnastics and volleyball teams, in violation of federal Title IX regulation. The female athletes feel the institution's arguments are irrelevant to the legal issues.

EJ546159
Naughton, J. (1997, May). Supreme Court rejects Brown's appeal on women in sports. *Chronicle of Higher Education, 43,* 34, A45-46.
The Supreme Court will not hear the Brown University (Rhode Island) appeal in "Brown vs. Cohen," letting stand rulings that the university had violated Title IX of the 1972 Education Amendments by cutting financial support for women's volleyball and gymnastics teams. Advocates for women's athletics see the court's refusal to intervene as decisive.

EJ516490
Mulderink, J. (1995, Summer). Par for the athlete course: Cohen v. Brown University mandates an equal playing field in intercollegiate athletics. *Journal of College and University Law, 22,* 1, 111-32.
The 1995 federal district court decision in Cohen v. Brown University is analyzed. Recent historical context, district court justifications, and questions concerning the court's rationale and holdings are also examined.

ED380413
Thorngren, C. M., & Eisenbarth, B. S. (1994, June). Games yet to be played: Equity in sport leadership. *Women's Education Equity Act Publishing Center Digest.*
This digest examines the status of girls' and women's athletics more than 20 years after the 1972 passage of Title IX of the Education Amendments to the Civil Rights Act of 1964, which prohibits sex discrimination in education programs or activities receiving federal financial assistance. It notes trends in Title IX implementation, the impact of Title IX on athletes and coaches, the loss of female role models in sport leadership, attributes of coaches that influence their effectiveness, the need for a more supportive social climate for women coaches, and creating change for the future. An article by Chris Shelton titled, "In Pursuit of Gender Equity: Programs Promoting Girls' and Women's Sport," describes two national and six state and community programs that have formed networks of support, political action, and education. "Title IX and Sports Medicine: The Rules of the Game" by Margaret C. Dunkle comments that the provision of medical and training services is one factor that the Office for Civil Rights considers in determining athletes' equal opportunity. A list of 10 organizations and 7 print materials concludes the digest.

EJ443798
Casey, A. (1992, March). Title IX and women officials - How have they been affected? *Journal of Physical Education, Recreation and Dance, 63,* 3, 45-47.
This article discusses pre-Title IX recruitment and training of female officials for women's athletics. It notes changes since Title IX such as increases in the number of male officials and increases in the number of females participating in sports. It also examines some successful programs, and makes recommendations to increase the number of female officials.

ED387452
Brylinsky, J. (1994). *Diffusing of gender equity in sport: Using innovation vs.*

compliance.
This paper examines how treating equity conflicts in sports through an emphasis on compliance with Title IX of the Educational Amendments of 1972 has actually hindered the mass adoption of gender equity in sport and proposes that applying the principles of diffusion would allow desired change to occur as an innovation, and therefore be more readily accepted. The nature of such a paradigm shift is considered and support is offered for the perceived failure of the compliance approach due to violation of such theoretical principles as obtaining the understanding and support of administrators and providing real consequences for not changing behaviors. Societal reasons for the unacceptability of the compliance approach are identified, such as the need for the innovative idea to demonstrate an advantage and social support of the idea. In contrast, changing the paradigm to that of innovation is seen in terms of commonly accepted equity principles. Possible system failure points for principle-based equity include: (1) failure of the innovation to offer a relative advantage over existing practices; (2) failure of communication; (3) adoption failure; and (4) failure in innovation implementation. Application of equity principles is seen as permitting adoption in discrete stages and in an empowering climate for dealing with the more difficult resource issues.

EJ516445
Williams, J. P. (1995, Spring). Lower pay for women's coaches: Refuting some common justifications. *Journal of College and University Law, 21,* 4, 643-89.
The two standard justifications for different salaries paid to male and female coaches under 1963 and 1964 civil rights/equal pay legislation must fail under Title IX of the Education Amendments of 1972, which independently prohibits gender discrimination in employment and mandates equal athletic opportunity for female students. Some suggestions for improving the situation of women's sports and female coaches are offered.

EJ570478
Haworth, K. (1998, September). Statements on sports scholarships frustrates and confuses colleges. *Chronicle of Higher Education, 45,* 2, A71-72.
A new Education Department statement on athletic scholarships, intended to clarify the term "substantially proportionate" in assessing scholarship money to women, has turned some colleges from institutions in compliance with Title IX's gender-equity provisions into ones that could be breaking the law.

ED417662
(1998). *Gender equity in intercollegiate athletic programs at Illinois public universities.* Springfield, IL: Illinois State Board of Higher Education.
This report to the Illinois Board of Higher Education examines the use of tuition waivers to achieve gender equity in intercollegiate athletics as allowed by the state's Public Act 89-166. An introduction explains the context for the law which requires that institutions must demonstrate "substantial proportionality" reflecting the undergraduate enrollment ratio, a "history and continuing practice" supporting the underrepresented gender, or effective accommodation of the interests and abilities of female students. The second section identifies milestones in gender equity in intercollegiate athletics including Title

IX of the Higher Education Amendments of 1972, the Gender Equity Report Card which evaluated gender equity among member institutions of the National Collegiate Athletic Association, and the Cohen vs. Brown University court case which ruled in favor of female athletes. The third section examines gender equity in intercollegiate athletics at Illinois public universities specifically emphasizing the effects of Public Act 89-166. The report concludes that Illinois public universities are demonstrating continued progress in complying with Title IX and that tuition waivers are one tool being used to improve gender equity.

Studies

ED352337
Acosta, R. V.; Carpenter, L. J. (1992). *Women in intercollegiate sport: A longitudinal study - Fifteen year update 1977-1992.*
With the enactment of Title IX in 1972, sports participation by female athletes in intercollegiate sports has generally increased, while leadership positions have decreased. The data summarized in this paper represent 15 years (1977-1992) of information on the status of women in intercollegiate athletics gathered in an on-going national study of all 4-year college and university members of the National Collegiate Athletic Association (NCAA) with intercollegiate programs for women. Findings are organized into three sections: (1) Participation Opportunities for Women, (2) Status of Women as Coaches, and (3) Status of Women as Administrators.

ED362471
Karr-Kidwell, P.J.; Sorenson, K. (1993). *The gender equity movement in women's sports: A literature review and recommendations.*
This paper provides a review of the literature published between 1973 and 1993 related to the gender equity movement on varsity and collegiate levels of women's sports, and offers recommendations for women's sports into the 21st century. The paper focuses on the equity movement in the 20th century, including a historical perspective of women in sports, issues and concerns regarding the female athlete, legal remedies to end discrimination in women's sports, and the future potential of female athletes. Recommendations include ensuring equal media recognition; making compliance with Title IX of the Education Amendments Act of 1972 a condition for membership in the National Collegiate Athletic Association; increasing the number of college scholarships offered to women athletes; and having female athletic administrators regulate and evaluate women's athletic programs.

ED345593
(1992). *NCAA gender-equity study: Summary of results.* Overland Park, KS: National Collegiate Athletic Association.
This report presents statistical data from a National Collegiate Athletic Association (NCAA) study analyzing expenditures for women's and men's athletics programs in response to a resolution submitted by the National Association of Collegiate Women Athletic Administrators (NACWAA). The introduction discusses the management of the

study and notes that the study gathered data using NCAA developed forms, one for each of five divisions, and that usable questionnaires were received from 646 institutions.

EJ543101
Naughton, J. (1997, April). Women in Division I sports programs: "The glass is half empty and half full." *Chronicle of Higher Education, 43,* 31, A39-40.
Twenty-five years after passage of Title IX, federal legislation barring sex discrimination in athletics in federally-funded schools, females make up 37% of college athletes and receive 38% of athletic scholarships at National Collegiate Athletic Association (NCAA) Division I schools. Women's participation in college sports has increased four-fold. However, many schools have not achieved proportionate funding for women.

ED408693
(1997). *Title IX at 25: Report card on gender equity.* (1997). Washington, DC: National Women's Law Center.
Twenty-five years after it was enacted by Congress in 1972, Title IX of the Education Amendments has opened doors previously closed to women and girls. This report by the National Coalition for Women and Girls in Education (NCWGE) celebrates the progress made to date, but also identifies areas in need of further action. The report examines critical areas--including access to higher education (B-), learning environment (C-), math and science (C+), and sexual harassment (D+)--and grades the United States' efforts to implement Title IX based on such indicators as women's participation rates, enforcement actions by the federal government, and legal developments.

EJ557396
Didion, C. J. (1997, November). A report card on gender equity on the twenty-fifth anniversary of Title IX. *Journal of College Science Teaching, 27,* 2, 97-98.
The Association for Women in Science (AWIS), in conjunction with the National Coalition for Women and Girls in Education (NCWGE), published a report card on how women have fared over the past 25 years since the passage of Title IX. The report card recommends ways of encouraging active participation of women in classes.

ED409618
(1997). *Title IX: 25 years of progress.* Washington, DC: Department of Education.
Since the passage of Title IX in 1972, the expectations for women's achievement have risen. This document presents a snapshot of the progress made toward gender equity in education and the barriers remaining. Females have increasingly enrolled in and completed college, obtained a greater number of graduate and professional degrees, participated in athletics, and advanced in terms of educational attainment in comparison with other countries.

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